

## REMARKS

Applicant respectfully requests further examination and reconsideration in view of the instant response. Claims 1-6, 10, 12-14, 17-25, 29-34 and 36-44 remain pending. Claims 1-6, 10, 12-14, 17-25, 29-34 and 36-44 are rejected.

### RESPONSE TO "RESPONSE TO ARGUMENTS" OF OFFICE ACTION MAILED OCTOBER 9, 2007

Applicant notes that "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention" (emphasis in original; MPEP 2141.03(IV)).

In supporting the rejection of Claims 1-6, 10, 12-14, 17-25, 29-34 and 36-44 and in response to the Applicant's argument that Wee does not support the interpretation in the Office Action mailed June 14, 2007, that Wee discloses "wherein said segment comprises data coded in a plurality of frames" as claimed, the Office Action mailed October 9, 2007, states that the "Examiner would point out that what is cited by the examiner is the lower portion of figure 4 and if the lower portion of figure 4 is concerned examiner interpretation of figure 4 is correct" (emphasis added; Office Action mailed October 9, 2007; page 4, lines 2-4).

As presented above, Applicant respectfully submits that Wee must be considered "as a whole, including portions that would lead away from the claimed invention" (emphasis in original; MPEP 2141.03(IV)). Applicant respectfully submits that by relying solely on the lower portion of Figure 4 and disregarding the upper portion of Figure 4 and the recitations of Section 4.1 of Wee, the Office Action fails to consider Wee "as a whole" as required.

Applicant notes that Figure 4 of Wee discloses an SSS coding method. Referring to Figure 4 of Wee, an SSS coder shown in the lower portion of Figure 4 while examples of the input and output to the described operations of the SSS coder are shown in the upper portion of Figure 4. Applicant respectfully submits that both the upper portion and lower portion of Figure 4 are used in describing the SSS coding method, that the upper portion and lower portion are complementary, and that the teachings of the upper portions and lower portions of Figure 4 are not separable. In particular, Applicant respectfully submit that nowhere does Wee suggest that the upper portion and lower portions of Figure 4 are separable. In contrast, by specifically reciting that "the video frame is segmented into tiles" (Section 4.1), Applicant respectfully submits that by disclosing that Wee teaches away from such an interpretation.

#### 35 U.S.C. § 103(a) Rejections

According to the instant Office Action, Claims 1-6, 10, 12-14, 17-25, 29-34 and 36-44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over "Secure Scalable Video Streaming for Wireless Networks" by S. Wee et al. (hereinafter, "Wee") in view of "An Efficient Quality Scalable Motion-JPEG2000 Transmission Scheme" by Qiu et al. (hereinafter, "Qiu"). The Applicant has reviewed the cited references and respectfully submits that the claimed embodiments are patentable over Wee in view of Qiu.

Independent Claim 1 recites "separating an amount of data into a segment"; and combining said segment and a transcoder readable payload header into a data packet payload, wherein said segment comprises data coded

in a plurality of frames and wherein said transcoder readable payload header comprises information associating a relative importance with each of said frames” (emphasis added). Independent Claims 20 and 34 recite similar limitations. Claims 2-6, 10, 12-14, 17-19, 21-25, 29-33 and 36-44 depend on Claim 1, 20 or 34 and recite additional limitations.

“As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries” including “[a]scertaining the differences between the claimed invention and the prior art” (MPEP 2141(II)). “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious” (emphasis in original; MPEP 2141.02(I)). Applicant notes that “[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art” (emphasis added; MPEP 2141(III)).

Furthermore, Applicant notes that “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention” (MPEP 2141.03(IV)).

Applicant understands Wee to describe a method of secure scalable streaming (SSS) for wireless networks (Abstract). With reference to Section 4.1

and Figure 4, Wee recites that “the video frame is segmented into tiles” (Section 4.1). Accordingly, Wee discloses that segments include portions of video frames. In other words, each segment includes a fraction of a video frame.

In contrast, the claimed embodiments recite “wherein said segment comprises data coded in a plurality of frames”. Accordingly, Applicant submits that Wee does not teach, describe or suggest the claimed embodiment. Moreover, Applicant respectfully submits that by disclosing that a “video frame is segmented”, Wee teaches away from “wherein said segment comprises data coded in a plurality of frames” as claimed.

Applicant notes the assertion in the instant Office Action that Wee discloses “wherein said segment comprises data coded in a plurality of frames” by citing

[page 3, 1<sup>st</sup> column, 2<sup>nd</sup> paragraph and see figure 4, SSS coding]  
(As it is shown on figure 4, on the first box, ‘the video frames’, which implies plurality of claims are segmented into tiles/ these implies [sic] that each tiles are comprise of plurality of frames [sic]. Furthermore, As shown on figure 4, ref. Second box, these tiles are coded. Therefore, these meets the limitation recited as wherein said segment/tiles comprises data coded in a plurality of frames” (instant Office Action, paragraph 8, page 4, lines 5-10).

However, Applicant submits that this interpretation is not supported by the teachings of Wee. For instance, with reference to Figure 4 of Wee, an SSS coder shown in the lower portion of Figure 4 while examples of the input and output to the described operations of the SSS coder are shown in the upper portion of Figure 4. As shown in the upper portion representing the output of “Segment video frames into tiles” is a single frame segmented into four tiles.

Applicant understands Wee to describe that each frame of a plurality of frames are segmented into tiles.

Applicant notes that the purpose of Wee is to describe a secure scalable coding technique that allows for transcoding without decrypting the data.

Applicant notes that Wee, at Section 5.1, recites

The scalable video coding and packetization modules of the SSS coder were jointly designed to enable downstream transcoding operations to be performed by simple packet truncation. SSS coding is similar to bitstream scalable video coding, but it further partitions the video frames into scalable packets that correspond to predetermined regions or tiles in the video sequence. The JPEG 2000 image compression standard has many of these characteristics of independently coded tiles and scalability within the tile. We build upon these concepts by extending this level of scalability to video frames and by combining it with the packetization process; furthermore, we jointly design this smart packetization with the encryption process.

Separate regions or tiles of a video frame are encoded into one or more packets. (emphasis added; Section 5.1).

Applicant respectfully submits that in order to provide scalability of video frames, Wee discloses that a “video frame is segmented into tiles” (Section 4.1), and that the interpretation presented in the Office Action is not supported by the teachings of Wee.

As presented above, Applicant respectfully submits that Wee must be considered “as a whole, including portions that would lead away from the claimed invention” (emphasis in original; MPEP 2141.03(IV)). Applicant respectfully submits that by relying solely on the lower portion of Figure 4 and disregarding the upper portion of Figure 4, the Office Action fails to consider Wee “as a whole” as required.

Applicant notes that Figure 4 of Wee discloses an SSS coding method. Referring to Figure 4 of Wee, an SSS coder shown in the lower portion of Figure 4 while examples of the input and output to the described operations of the SSS coder are shown in the upper portion of Figure 4. Applicant respectfully submits that both the upper portion and lower portion of Figure 4 are used in describing the SSS coding method, that the upper portion and lower portion are complementary, and that the teachings of the upper portions and lower portions of Figure 4 are not separable. In particular, Applicant respectfully submit that nowhere does Wee suggest that the upper portion and lower portions of Figure 4 are separable. In contrast, by specifically reciting that "the video frame is segmented into tiles" (Section 4.1), Applicant respectfully submits that by disclosing that Wee teaches away from such an interpretation.

Furthermore, Applicant respectfully submits that Qiu does not overcome the shortcomings of Wee. Applicant understands Qiu to describe a transmission scheme for Motion-JPEG2000 video sequences over IP networks (Abstract). In particular, Applicant respectfully submits that Qiu does not teach, describe or suggest "wherein said segment comprises data coded in a plurality of frames", and is not relied upon as providing such a teaching.

Accordingly, Applicant respectfully submits that the basis for rejecting independent Claims 1, 20 and 34 under 35 U.S.C. § 103(a) is traversed and that, as a result, Claims 1, 20 and 34 are in condition for allowance. Furthermore, Applicant respectfully submits that the basis for rejecting Claims 2-6, 10, 12-14, 17-19, 21-25, 29-33 and 36-44 under 35 U.S.C. § 103(a) is also traversed as

these claims depend from allowable base claims, and consequently Claims 2-6, 10, 12-14, 17-19, 21-25, 29-33 and 36-44 are also in condition for allowance.

### Conclusions

In light of the above remarks, Applicant respectfully requests reconsideration of the rejected claims.

Based on the arguments presented above, Applicant respectfully asserts that Claims 1-6, 10, 12-14, 17-25, 29-34 and 36-44 overcome the rejections of record, and therefore Applicant respectfully solicits allowance of these claims.

The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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Date: 01/09/2008

  
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